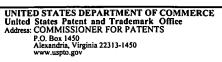


## United States Patent and Trademark Office



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,470	12/04/2000	Dean Messing	KLR 7146.103 4458	
7	590 03/24/2004		EXAMI	NER
Kevin L. Russell 601 SW Second Ave., Suite 1600 Portland, OR 97204-3157			TRAN, PHUOC	
			ART UNIT	PAPER NUMBER
			2621	$\overline{\alpha}$
		DATE MAILED: 03/24/2004	$\mathcal{A}$	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Private		Application No.	Applicant(s)				
Examiner							
Phuso Tran  - The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than thiny (30) days, a reply within the statusury minimum of thiny (30) days will be considered finely).  If the period for reply specified above is less than thiny (30) days, a reply within the statusury minimum of thiny (30) days will be considered finely).  If the period for reply specified above is less than thiny (30) days, a reply within the statusury minimum of thiny (30) days will be considered finely).  If the period for reply specified above is less than thiny (30) days, and used page 15 (6) MONTHS from the malining date of this communication.  If the period for reply specified above is less than thiny (30) days, and used page 15 (6) MONTHS from the malining date of this communication.  If the period for reply specified and the period of the malining date of this communication, even if timely field, may reduce any seamed patient the adjustment. See 37 CFR 1.76(b).  Status  I) Responsive to communication(s) field on	Office Action Summary						
— The MALLING DATE of this communication appears on the cover sheet with the correspondence address— Period for Reply.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extension for term may be switch under the provisions of 3 CFR 1.13(a). In one event, however, may a reply be timely filed after SIX (6) MONTH'S from the mailing date of the communication, reply within the statutory minimum of thisy (10) days will be considered sitingly, after the six (6) MONTH'S from the mailing date of the communication, reply within the statutory within the statutory will be considered sitingly, and the green 3 (c) MONTH'S from the mailing date of this communication.  Failure to reply within the set or extended preside for reply will, by statutory patient will apply and will appear 3 (c) MONTH'S from the mailing date of this communication, over a timely friend, may reduce any example patient term deplatment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on	Since Action Cummary						
Period for Reply  A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of tome may be available under the provisions of 37 CFR 1.136(a). In co event, however, may a reply be limitly filled.  - Extensions of tome may be available under the provisions of 37 CFR 1.136(a). In co event, however, may a reply be limitly filled.  - Extensions of tome may be available under the provisions of 37 CFR 1.136(a). In co event, however, may a reply be limitly filled.  - Extensions of tome may be available under the provisions of 37 CFR 1.136(a). In co event, however, may a reply be limitly filled.  - If NO period for reply is a specified above, the maximum statutory period will apply and will expire \$30.(c) MONTHS from the mailing date of this communication.  - If NO period for reply is a specified above, the maximum statutory period will apply and will expire \$30.(c) (a) MONTHS from the mailing date of this communication.  - If NO period for reply is a specified above, the maximum statutory period will apply and will expire \$30.(c) (a) MONTHS from the mailing date of this communication.  - If NO period for reply is a specified above, the maximum statutory period will apply and will expire \$30.(c) (a) MONTHS from the mailing date of this communication.  - If NO period for reply is a specified of this communication.  - If NO period for reply is a specified of this communication.  - If NO period for reply is a specified of this communication.  - If NO period for reply is a specified of this communication.  - If NO period for reply is a specified of this communication.  - If NO period for reply is a specified of this communication.  - If NO period for this communication.  - If NO period for this period for this communication.  - If NO period for this period for this communication.  - If NO period for this period for this communication.  - If NO period for this period for this communication.  - If NO period for this period for this communication.  - If NO per	The MANUANCE DATE of this communication on	<u> </u>					
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CPR 1.13(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  It his period to may be set and above in less than think (90) days, a reply within the studiotory minimum of truby (20) study with the studiotory minimum of truby (20) studiotory with the studiotory minimum of the studiotory minimum of the studiotory minimum of the studiotory with the studiotory minimum of the	Period for Reply		·				
1   Responsive to communication(s) filed on	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a repl</li> <li>If NO period for reply is specified above, the maximum statutory period</li> <li>Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin</li> </ul>	I36(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
2a)  This action is FINAL. 2b)  This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) 1-50 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5   Claim(s) is/are allowed. 6   Claim(s) is/are objected. 7   Claim(s) is/are objected to. 8   Claim(s) 1-50 are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner. 10   The drawing(s) filed on is/are: a)   accepted or b)   objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11   The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)   Some * c)   None of: 1.   Certified copies of the priority documents have been received. 2.   Certified copies of the priority documents have been received in Application No. 3.   Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	Status						
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Paper No(s)/Mail Date 6) [_] Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate				

Application/Control Number: 09/729,470

Art Unit: 2621

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- i) species of Claim 1 which requires "quantifying a plurality of colors of each said test areas, where said quantifying of said plurality of colors for each of said test areas is independent of the number of each of said quantified colors in each of said respective test areas";
- ii) species of claim 8 which requires "quantifying a plurality of colors of each said test areas, where said quantifying of said plurality of colors for each of said test areas de-emphasizes the effect of the spatial regions of coherent color and emphasizes the effect of the spatial incoherent regions of colors"; and
- iii) species of claim 34 which requires "quantizing a plurality of colors of each said test areas...code values".

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

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Art Unit: 2621

the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc Tran whose telephone number is (703) 305-4861. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

